

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONALD M. PEDEN, JR.]	
Plaintiff,]	
]	Civ. No. 3:14-cv-0604
v.]	(No.3:14-mc-0254)
]	Judge Sharp
BETH GENTRY, CLASSIFICATION]	
MANAGER]	
Defendant.]	

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Davidson County Criminal Justice Center (CJC) in Nashville. He brings this action pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, against Beth Gentry, Classification Manager at the CJC, seeking injunctive relief and damages.

The plaintiff has learned that inmates who are gay, bi-sexual or homosexual are automatically classified and housed in medium security units at the Criminal Justice Center. The plaintiff describes himself as heterosexual. Apparently, he would like to be classified and housed in a medium security unit but the defendant has been unwilling to assign him the desired classification. The plaintiff believes that this constitutes sexual discrimination by the defendant.

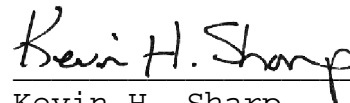
Title VI of the Civil Rights Act of 1964 bans discrimination on the basis of race, color or national origin in any program

receiving federal financial assistance. To state a claim under Title VI, the plaintiff must allege that (1) the entity involved is engaging in discrimination based on his race, color or national origin, and (2) the entity involved receives federal funding.

In this instance, the plaintiff is alleging discrimination based upon sexual preference rather than race, color or national origin. Moreover, he has not alleged that the Criminal Justice Center is the recipient of federal funding. As a consequence, he has failed to state a claim upon which relief can be granted under Title VI.

In the absence of an actionable claim, the Court is obliged to dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive, slightly slanted style. The "K" is large and loops around the "e". The "H" is formed by two vertical strokes. The "S" is a continuous loop. The "h" is a simple vertical stroke. The "a" is a small loop. The "r" is a vertical stroke with a small hook. The "p" is a vertical stroke with a small loop at the bottom.

Kevin H. Sharp
United States District Judge